United Nations S/2004/313

Security Council

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United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Reaffirming its relevant resolutions on Cyprus,

Stressing that the adoption of this resolution is without prejudice to and contingent upon the free decision by the Greek Cypriots and the Turkish Cypriots whether to approve the Foundation Agreement contained in the Comprehensive Settlement of the Cyprus Problem, hereafter referred to as the Comprehensive Settlement,

Commending the extraordinary efforts of the Secretary-General and his Special Adviser and his team within the framework of the Secretary-General's Good Offices,

Emphasizing the obligation of all states to respect each other's sovereignty, independence and territorial integrity,

Welcoming the reaffirmation of the commitment to international law and the Principles of the UN Charter in the Treaty between Cyprus, Greece, Turkey and the United Kingdom on matters related to the new state of affairs in Cyprus, which forms part of the Comprehensive Settlement,

Noting that, if the Comprehensive Settlement is approved, its implementation and the observance by the parties of the provisions and timetables of the Comprehensive Settlement, in particular those relating to security, will be of vital importance,

Recalling its primary responsibility for international peace and security and affirming its willingness, in the case of any violation of the Comprehensive Settlement reported to it, including by the Monitoring Committee, to consider the situation,

Having considered the report of the Secretary-General of 16 April 2004 (S/2004/302),

Taking note of the request to the Security Council to take certain decisions to enter into force simultaneously with the Foundation Agreement; and conscious that these decisions will be a crucial part of the overall framework of the Comprehensive Settlement, if it is approved,

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Taking note of the Secretary-General's recommendation for a strengthened United Nations operation to provide inter alia monitoring, verification and supervision of the implementation of the Foundation Agreement,

Noting that in the history of Cyprus the presence in and flow to Cyprus of arms has served to fuel conflict in Cyprus and instability in the region, and that the prohibition of the supply of arms to Cyprus will be an important factor in ensuring the effective implementation of the Comprehensive Settlement, including its provisions on demilitarization, and in eliminating further threats to peace and security in the region,

1. *Decides* that the provisions set out in the annex to this resolution shall take effect only upon notification by the Secretary-General to the President of the Security Council that the Foundation Agreement has entered into force, following the free decision by the Greek Cypriots and Turkish Cypriots;

2. *Decides* to remain actively seized of the matter.

Annex

The Security Council,

Part A

1. *Decides* to terminate the mandate of the United Nations Peacekeeping Force in Cyprus (UNFICYP);

2. *Decides* nonetheless to maintain a United Nations operation in Cyprus which shall be known as the United Nations Settlement Implementation Mission in Cyprus (UNSIMIC);

3. *Decides also* that UNSIMIC shall remain until the Security Council decides otherwise, based on a request from the federal government of the United Cyprus Republic, with the concurrence of both constituent states;

4. *Authorizes* UNSIMIC, in accordance with Appendix E of the Comprehensive Settlement, to deploy and operate freely throughout Cyprus with a mandate to monitor the implementation of the Foundation Agreement and use its best efforts to promote compliance with it and contribute to the maintenance of a secure environment; and in particular:

(a) to monitor political developments related to implementation and provide advice and good offices as required;

(b) to monitor and verify compliance with the security provisions in the Foundation Agreement, including:

(i) the dissolution of all Greek Cypriot and Turkish Cypriot forces, including reserve units, and the removal of their arms from the island;

(ii) the adjustment of Greek and Turkish forces and armaments to agreed equal levels;

(c) to monitor and verify compliance with the provisions of the Foundation Agreement pertaining to the federal and constituent state police;[1]

(d) to use its best efforts to ensure the fair and equal treatment under the law of persons from one constituent state by the authorities of the other;

(e) to supervise the activities relating to the transfer of areas subject to territorial adjustment, including through assumption of territorial responsibility for agreed areas and time periods prior to transfer, without prejudice to local administration of the population;

(f) to chair and provide administrative support to, the Monitoring Committee to be established under the Treaty between Cyprus, Greece, Turkey and the United Kingdom on matters related to the new state of affairs in Cyprus;

(g) to implement its mandate through, for example, conducting patrols and establishing positions and roadblocks, as well as receiving complaints, making inquiries, presenting facts, giving formal advice and making representations to the authorities;

5. *Affirms* that UNSIMIC will be given, in a timely manner, the resources necessary to fulfil the above mandate and will therefore be configured in principle on the basis of the recommendations in the Secretary-General's report, subject to a decision by the Security Council;

6. *Calls upon* all parties represented in the Monitoring Committee related to in annex E to cooperate fully in the deployment and operations of UNSIMIC, including through ensuring the safety, security, and freedom of movement of United Nations personnel, together with the associated personnel, throughout Cyprus;

7. *Calls also upon* the Government of the United Cyprus Republic to conclude a Status-of-the-Mission agreement with the Secretary-General within 30 days of the adoption of this resolution and notes that pending the conclusion of such an agreement the terms of the model agreement dated 9 October 1990 (A/45/594) shall apply provisionally;

Part B

Acting under Chapter VII,

8. *Decides* that all States shall take the necessary measures to prevent the direct or indirect sale, supply or transfer, or the promotion of such sale, supply or transfer to Cyprus, by their nationals or from their territories or using their flag vessels or aircraft, of arms and any related materiel, and the provision of any technical assistance, advice or training, financing or financial assistance, related to military activities to Cyprus;

9. *Decides also* that the measures imposed by paragraph 8 above shall not apply to:

(i) supplies to UNSIMIC;

[1] Observation: The United Nations operation would not assume direct responsibility for the enforcement of law and order.

(ii) supplies required by the United Cyprus Republic for federal and constituent state police activities;

(iii) supplies for those forces stationed in Cyprus in accordance with international treaties to which the United Cyprus Republic is a party;

(iv) supplies of non-lethal military equipment, including flak jackets, military helmets and armoured vehicles, intended solely for humanitarian or protective use, and related technical assistance and training, by UN personnel, representatives of the media, and humanitarian and development workers and associated personnel for their personal use only;

10. *Decides further* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks and to report on all aspects of its work to the Council with its observations and recommendations;

(a) to seek from all States further information regarding the action taken by them with a view to implementing effectively the measures imposed by paragraph 8 above, and thereafter to request from them whatever further information it may consider necessary;

(b) to consider information brought to its attention by States or by the Monitoring Committee concerning violations of the measures imposed by paragraph 8 above and to recommend appropriate measures in response thereto;

(c) to make periodic reports to the Security Council on information submitted to it regarding alleged violations of the measures imposed by paragraph 8 above, identifying where possible persons or entities, including vessels and aircraft, reported to be engaged in such violations;

(d) to promulgate such guidelines as may be necessary to facilitate the implementation of the measures imposed by paragraph 8 above;

11. *Calls upon* all States and all international and regional organizations to act strictly in conformity with this resolution, notwithstanding the existence of any rights granted or obligations conferred or imposed by any international agreement (other than relating to the supplies referred to in paragraph 9 (iii) above) or of any contract entered into or any licence or permit granted prior to the entry into force of the measures imposed by paragraph 8 above;

12. *Requests* the Secretary-General to provide all necessary assistance to the Committee established by paragraph 10 above and to make the necessary arrangements in the Secretariat for this purpose;

13. *Requests* the Committee established by paragraph 10 above to make information it considers relevant publicly available through appropriate media, including through the use of information technology;

14. *Decides* that the measures imposed by paragraph 8 above shall remain in place until the Security Council decides otherwise based on, inter alia, a request from the federal government of the United Cyprus Republic, with the concurrence of both constituent states, and confirmation from the Secretary-General that the continued application of the arms embargo is no longer necessary for the maintenance of international peace and security;

Part C

15. *Calls upon* the international donor community to provide relevant assistance for the implementation of the Comprehensive Settlement;

16. *Requests* the Secretary-General to report regularly on the progress in the implementation of the Comprehensive Settlement and this resolution, including the implementation of UNSIMIC's mandate, and on the implementation of the measures imposed by paragraph 8 above;

17. *Calls upon* all parties concerned to implement faithfully and fully all aspects of the Comprehensive Settlement within the time frames prescribed therein.